

DAVID LOPEZ

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July 16, 2020

Hon. Robert L. Lehrburger
Magistrate Judge
U.S. District Court, S.D.N.Y.
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New York, New York 10007

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Re: Proposed Settlement Conference
Avalon v. Gentile and Mintbroker, 18-cv-7291 (VSB) (RWL)
New Concept v. Gentile and Mintbroker, 18-cv-8896 (VSB) (RWL)

Your Honor:

Your courtroom deputy last week circulated an e-mail conveying Your Honor's proposal to schedule a settlement conference. The parties have conferred and have explored settlement possibilities and I have been delegated to report.

Plaintiffs' Positions: The plaintiffs believe that a settlement conference at this stage of the cases would be a waste of time with no possibility of success. A request was submitted to your attention via ECF week-before-last for approval of briefing schedules for cross-motions for summary judgment. The facts and legal arguments in the cases are complex and Your Honor's preparation for any settlement conference would require presentation to you of the respective arguments in a detail little different from summary judgment briefing. We urge that summary judgment briefing be allowed on the requested schedules and that a settlement conference be scheduled only after briefing is completed and filed with the court. Should a settlement conference nevertheless be ordered plaintiffs' counsel will make themselves available at Your Honor's convenience and instruction.

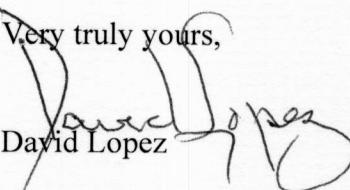
Defendants' Positions: While the Defendants are confident in their position and believe both cases stand a strong probability of being dismissed on summary judgment, the Defendants are amenable to taking part in good-faith settlement discussions at a settlement conference chaired by Your Honor. Defendants believe that even if the settlement conference does not resolve all claims, it would be a valuable exercise for all parties to refine the critical issues on summary judgment. Defendants will make themselves available.

In light of this joint report, the Court believes it best to schedule a settlement conference to take place after summary judgment is fully briefed. The parties shall cooperate with my Courtroom Deputy to schedule a suitable date.

SO ORDERED:

7/16/2020

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Very truly yours,

David Lopez